MICHIGAN COMMISSION OF AGRICULTURE

Geagley Laboratory Gordon Guyer Room 1615 S. Harrison Road East Lansing, MI 48823

MEETING MINUTES JULY 17, 2007

PRESENT:

James Byrum, Chairperson
Dale Norton, Vice Chairperson
Ann Jousma-Miller, Secretary
Don Coe, Commission of Agriculture
Todd Regis, Commission of Agriculture
Mitch Irwin, Director, Michigan Department of Agriculture

CALL TO ORDER AND ROLL CALL

Chairperson Byrum called the meeting of the Commission of Agriculture to order at 10:03 a.m. on Tuesday, July 17, 2007. Commissioner Jousma-Miller called the roll with Commissioners Byrum, Norton, Coe, Regis, Jousma-Miller and Director Irwin present.

APPROVAL OF AGENDA

Chairperson Byrum proposed adding two items to the agenda; a scholarship presentation for the Gene Thompson Scholarship and a closed session at the end of the meeting.

MOTION: COMMISSIONER COE MOVED TO APPROVE OF THE JULY 17, 2007 AGENDA WITH THE ADDITION OF THE GENE THOMPSON SCHOLARSHIP PRESENTATION AND A CLOSED SESSION AT THE END OF THE PUBLIC MEETING. SECONDED BY COMMISSIONER NORTON. MOTION CARRIED.

APPROVAL OF JUNE 12, 2007 MEETING MINUTES

MOTION: COMMISSIONER REGIS MOVED TO APPROVE THE JUNE 12, 2007 MEETING MINUTES. SECONDED BY COMMISSIONER NORTON. MOTION CARRIED.

NEXT SCHEDULED MEETING

The next scheduled meeting will be held September 11, 2007 in Lansing.

COMMISSIONERS' TRAVEL

June 22, 2007, Michigan Energy Fair, Manistee County Fairgrounds - Commissioner Coe

MOTION: COMMISSIONER NORTON MOVED TO APPROVE COMMISSIONERS' TRAVEL. SECONDED BY COMMISSIONER REGIS. MOTION CARRIED.

COMMISSION COMMENTS:

Commissioner Norton commented that they need rain in his area. It is becoming critical with near disaster conditions for corn. Soybeans still have some potential if rain comes soon.

He noted his travels for the National Pork Board including trips to Dallas, San Antonio and St. Louis, all on animal welfare related issue.

He has been in close touch with Deputy Director Mellon regarding Bovine Tuberculosis (TB) and wants to be kept up-to-date.

Commissioner Norton also attended a local Branch County Farmland Preservation meeting. His parents participate in an organization called Country Couples that has been in existence for 70 years and those couples were celebrated.

Commissioner Coe noted that the wine grapes are in the "verizon stage" where the first clusters are appearing on the vines and look beautiful. Weather permitting they look forward to a good harvest. However, field crops were suffering due to the dry weather and now they are wet. It is a difficult time for the cherry industry, tart cherries have experienced some cracking.

A company in Milwaukee that normally buys up to 10 million pounds of briner cherries has indicated they do not need any cherries this year. That means last year there was a good harvest, they bought all they needed. Some of our cherry farmers that do not have brokers to work with are scrambling to sell their crop and having to decide whether to pick the fruit or shake it to the ground.

On July 10, 2007, he attended Cherry Day at the Northwest Michigan Horticulture Research Station, tied to the National Cherry Festival. Representing the Michigan Department of Agriculture (MDA) he presented Michigan Agriculture Environmental Assurance Program (MAEAP) certificates to a number of cherry farmers. Commissioner Coe was pleased to announce that ten percent of cherry producers in northwest Michigan are MAEAP certified, one of the best responses to a program of any of the agricultural sectors.

Commissioner Jousma-Miller noted that weather is a factor in the Upper Peninsula (UP) as well. July has been very wet, but the corn crop is great and second crop hay looks good.

She is working closely with several companies on biofuels, especially cellulostic biomass. She noted the grant that Michigan State University (MSU) has received that will hopefully have some bearing on the UP as they have the raw materials needed.

She is also working with the UP State Fair to be ready for the fair next month. Work has been continuing with the MSU Products Center on the incubator kitchen and they have had the first person come to the fairgrounds and use the kitchen.

TV-6 in the UP has yearlong program called "Invest in the UP". They have done a tremendous number of features, almost daily, on enhancing manufacturing and enhancing other forms of economic stability. Agriculture has been one of the features. Econo Foods has been using a similar program as the Select Michigan Program and all UP products are identified in their stores.

Commissioner Byrum noted a letter he received from the Michigan Department of Environmental Quality (MDEQ) regarding Generally Accepted Agriculture Practices (GAAMPs) and inclusion of certain language. He met with Director Chester and Deputy Director Pruss and suggested inclusion of language that explains what GAAMPs do in terms of protection for producers. That will be reviewed in the next GAAMPs review cycle. MDEQ was very receptive to the idea.

He commented about the spotty nature of the rain. The wheat crop is in, a decent yield with spectacular quality. He noted that not all farmers will receive the benefit of the higher commodity prices as many were contracted in advance.

He also noted that Michigan Agri-Business Association will begin administrating their export efforts through MDA's export program. They are looking at an aggressing program through South and Central America and Europe.

The biodiesel plant in Bangor has scaled back production significantly because of the lack of blendable oil. Soybean oil to blend for biodiesel is not readily available, demand is high and prices are reflecting that demand.

DIRECTOR'S REPORT

Director Irwin thanked everyone for their participation in the Ag Expo Breakfast. He noted and thanked staff who administer the MAEAP program and PA 116 incentives for Farmland Preservation. He briefly discussed the partnership between MDA and the Sherrard Family with the largest easement for

conservation for agriculture in the history of Michigan. It speaks well of the efforts of the Environmental Stewardship Division staff.

He gave a brief update on budget issues.

Director Irwin discussed the roll out of the Renewable Fuels Commission report. It was a major effort and will be looking toward the next year and strategy for implementation of the recommendations. This helps propel agriculture in the forefront with the auto companies moving forward with fuels of the future.

He thanked Chief Deputy Director Phyllis Mellon for putting together the Weekly Commissioners' Update in response to their request. Commissioner Coe said the timely and brief nature of the reports helps to keep on top of issues.

He spoke briefly about the success of Cooperative Elevator and the economic impact it has had for so many producers. The United States Department of Agriculture (USDA) has released their statistics and Michigan has surpassed \$1 billion of annual exports. He noted a continued trajectory of growth or product that is exports.

Eastern Market in Detroit is making a major effort with urban farmers. They have a new organizational structure and new leadership. He commended the Select Michigan staff in their efforts to work with Eastern Market in their effort with wholesale and retail food accessibility in the Detroit area.

Director Irwin distributed copies of a recent court ruling that concerns Right to Farm and GAAMPs related to a greenhouse operation in the Detroit area. He encouraged Commissioners to read the information provided.

He discussed the \$50 million that MSU recently was granted for research on biofuels. It will have a positive impact for Michigan.

He highlighted activities from the monthly Director's Report including the grand opening of Liberty Fuels, the Farmers' Market at the Capitol and Star of the West Milling tour.

He noted an upcoming activities including attending the a meeting of the Coldwater Rotary, a special presentation to Cooperative Elevator at the US Bean Council national meeting in Traverse City, the Wine & Spirits Competition Reception on August 9, and the Bio-Economy Summit on September 12-13, 2007.

Director Irwin shared that President Lou Anna Simon and Steve Pueppke Director of the Office of Biobased Technology thanked MDA for their support in

securing the \$3.4 million grant for the Holland Pfizer building and the \$50 million grant for biofuels research.

Director Irwin then distributed a letter to the Commission formally notifying the Commission of his plan to retire as the Director of MDA on or before August 17, 2007. He will be returning to the private sector and pursue opportunities in his business development, investment and real estate business. (See Attachment C)

He thanked each of the Commissioners for their support and extraordinary leadership during this exciting time in Michigan agriculture's long and rich history.

Commissioner Norton thanked Director Irwin for his efforts in the economic area where much interest and support has been generated for agriculture in recognizing how much value it brings to the state.

Commissioner Byrum noted Director Irwin's enthusiasm and strong advocacy for agriculture has been appreciated and recognized. He thanked Director for his willingness to deal with sensitive issues and for his creativity.

Commissioner Coe stated that he does not think that we do not tell our story well in agriculture and communicate the importance of agriculture. He commented that Director Irwin has been a great spokesperson within the state for agriculture. He appreciated Director Irwin's energy, drive, enthusiasm and sense of humor and has brought agriculture to the forefront. He also stated that he thinks that it is a personal challenge placed upon the Commissioner to find somebody who can bring that kind of energy and enthusiasm to the table.

Commissioner Jousma-Miller agreed and thanked Director Irwin for taking the industry from basic agriculture to complete agriculture production showing the state of Michigan the value and viability of this natural resource.

MOTION: COMMISSIONER NORTON MOVED TO ACCEPT DIRECTOR IRWIN'S LETTER OF RETIREMENT WITH REGRET. SECONDED BY COMMISSIONER REGIS. MOTION CARRIED.

DIRECTOR'S TRAVEL

No new out of state travel planned.

PUBLIC COMMENT

No public comment on agenda items.

GENE THOMPSON SCHOLARSHIP 2007 PRESENTATION

Commissioner Byrum presented Gresham Halstead with the first Gene Thompson Scholarship. Funding for this academic scholarship comes from several activities sponsored over the years by MDA employees honoring a coworker who passed away. Gresham is the son of State Veterinarian Steve Halstead.

Commissioner Byrum discussed the need to move ahead with a search process for a new director and indicated the need to appoint someone in an interim capacity until that search is completed.

MOTION: COMMISSIONER REGIS MOVED TO APPOINT CHIEF DEPUTY DIRECTOR PHYLLIS MELLON AS ACTING DIRECTOR PENDING DIRECTOR IRWIN'S DEPARTURE AND THE HIRING OF A NEW DIRECTOR. SECONDED BY COMMISSIONER NORTON.

Commissioner Coe stated that it is incumbent upon the individual Commissioners to step up during this time. He noted that Dr. Mellon's administrative abilities are important during this time of transition but Commissioners need to come forward and assist to assure that agricultural interests are represented.

A brief discussion ensued.

MOTION CARRIED.

MANDATORY ANIMAL IDENTIFICATION PROGRAM PROGRESS: Dr. Steven Halstead, State Veterinarian and Animal Industry Division Director and Kevin Kirk, Special Assistant To The Director

Director Irwin noted that when the report was received from the USDA on the Bovine TB eradication effort, one of the most recognized elements of MDA's strategy is the mandatory electronic animal identification program. He complimented Dr. Halstead and Mr. Kirk's leadership. He commended the entire MDA team for their handling of this program.

Dr. Halstead stated that in both of the TB program reviews from USDA, they have commended MDA for leadership in the electronic animal identification area and particularly as it related to the TB program. It has been an important part of the program and Mr. Kirk has been the lead for several years. One of the challenges is integrating the 21st century electronic identification program into the "19th century" paper tag related tracking system.

Mr. Kirk stated that there is an advantage to having a team and stakeholders have helped get the results. It was not always easy going from a free program to a mandatory program that was not paid for by the government. There was much

discussion and it was critical that the stakeholders came forward with support as well as the support of the Director and Commissioners. All knew the importance of animal health, human health and food safety.

There is much interest about the Michigan program from other states.

To date, 9,775 producers have ordered and purchased 874,286 840 Radio Frequency Identification (RFID) tags. Per USDA numbers, nationally 1.6 million 840 RFID tags have been sold and fifty percent went back into Michigan. If you add in the older tags in the TB zone and the UP (982 tags) 1.2 million tags are being used across Michigan.

There are electronic readers in all the markets, and electronic readers in seven major kill plants in four different states. Over 100,000 animals have shown up at a Michigan market, or sighted at the market on that day. Approximately 85,000 of those animals have shown up at one of the seven large kill plants, as well as about a dozen small custom slaughter facilities in northern Michigan.

There are two kill plants in Michigan that have readers, one in Plainwell at the Packerland-Smithfield plant and one at West Michigan Beef.

Some cattle are allowed to come to the market untagged to accommodate personal beliefs and those animals are being tagged at the market. That information is kept within the MDA inventory. 95-98% of animals coming to the market are tagged.

The program is working well and MDA is continuing to work as a role model for other states.

In response to a question from Commissioner Coe, Mr. Kirk stated he did not know of any operations that have left the state or gone out of business as a direct result of the tagging program.

In response to a question from Commissioner Coe about demonstrated economic benefits, Mr. Kirk noted that are working with the kill plants to pay a premium for those cattle identified with RFID.

There was a brief discussion about the County of Origin Labeling program regarding the compatibility with electronic animal identification and how the value of Michigan cattle can be increased through electronic animal identification.

In response to a question from Commissioner Norton, Mr. Kirk noted that grant money was received from Homeland Security and readers in the markets have been upgraded. Laptops were eliminated and "data loggers" were installed. The

data goes into the logger and at the end of the day, it is automatically transmitted to the state database. There are getting a 95% data response.

Handheld wand readers are also being used where needed.

Commissioner Norton noted that he is working with the National Pork Producers to develop premises identification for pork producers.

Commissioner Coe asked that when there is good news to report, MDA should put out a press release to celebrate the good news.

Commissioner Byrum noted that all beef going to Japan from Australia have identification. Also, Namibia, one of the fastest growing beef exporters in Africa, has mandatory identification and Michigan is the only one in the United States doing it. While it can be difficult to implement, long term, it is where we need to be.

BOVINE TUBERCULOSIS ISSUES UPDATE: Dr. John Tilden, Project Manager, TB Eradication Review Response and Dr. Steven Halstead, State Veterinarian and Animal Industry Division Director

Dr. Tilden noted that in the USDA report, the 79 points noted are trying to refocus everyone's attention on our goal of eradicating bovine TB in Michigan. The USDA review specifically links the goals of: 1) keeping Michigan cattle herds TB free, and 2) eliminating the TB reservoir in the wild deer and elk in the Modified Accredited Zone (MAZ). The MDA is making progress responding to the review issues. The 30 Day Deliverables were sent to USDA and another installment is due this month. Some things that USDA is requiring call for increased commitments from Michigan TB Eradication Project partners (government, wildlife managers and cattle industry.) We have demonstrated the ability to quickly detect when bovine TB spills over from wild deer to cattle in the MAZ, ensuring that it does not spread the double AA zone. The USDA and out-of-state cattle industries are asking that additional safe guards be put in place to ensure that double AA zone cattle moving between zones or interstate are TB free.

The USDA has clearly communicated that the 79 review items must be fully in place for 12 months before they will review our application to advance the double AA zone to free status.

The toughest issue to resolve will likely be movement certificates for cattle moving between the zones in Michigan. Negotiations are underway with USDA to determine movement certificate requirements. The current MOU requires that all type of cattle moving inter-zonally or interstate need to have a movement certificate including cattle moving to slaughter. The USDA has since clarified that these requirements do not apply to cattle moving directly to slaughter from farms

or feed lots. The USDA has further clarified they are willing to accept complete market invoices and back tag information, on an interim basis, for implementation into the current market system.

In response to a question from Commissioner Norton, Dr. Halstead stated that nothing has changed with our relationships with Wisconsin, Indiana and Ohio.

A conversation ensured regarding surveillance at the Mackinac Bridge. Signage will be improved. Communications are being prepared for producers.

<u>PESTICIDE AND PLANT PEST MANAGEMENT DIVISION: KEN RAUSCHER,</u> PESTICIDE & PLANT PEST MANGEMENT DIVISION DIRECTOR

Mr. Rauscher briefly discussed the Sirex woodwasp that was recently discovered in a trap in Macomb County. This pest kills pine trees. There are biological controls that USDA is looking at. Information will be forwarded as received.

Mr. Rauscher presented a PowerPoint regarding the Emerald Ash Borer Program Status including funding, MDA's personnel commitment and prospects for the program.

He reviewed the spread nationally and the status of the spread in Michigan. He reviewed the current quarantine in place in Michigan. Enforcement and outreach is most important. Firewood movement requirements were reviewed.

Mr. Rauscher reviewed the trap program, a community preparedness plan, USDA's proposed approach to managing Emerald Ash Borer and proposed biological controls.

LEGISLATIVE REPORT: Liesl Eichler-Clark, Legislative Liaison

Ms. Clark updated the Commissioners on recent legislative activity. There has not been a lot of movement due to the budget negotiations and legislator holiday. Some policy related bills are moving including a booklet bill, the Food Law, Renewable Fuels Commission recommendations and composting.

The five sunset fee bills have moved out of the appropriations committee.

The federal Farm Bill discussions are continuing.

<u>DISTILLED SPIRITS INDUSTRY STUDY: KRIS BERGLUND, DIVERSIFIED NATURAL PRODUCTS, INC.</u>

Kris Berglund, Professor, MSU, shared a PowerPoint presentation relative to the Projected Impact of the Distilled Spirits Industry in Michigan study prepared by the Strategic Research Unit, Research and IT Division, Michigan Economic Development Corporation (MEDC).

About 10 years ago, the laws in Michigan were changed to allow small brandy production in Michigan. He has been working with the distillers in Michigan over the years. There are currently eight distillers in Michigan, second in the United States in artisan distillers, behind California.

The distillers would like to bring the entire array of distilled spirits inline with what is offered to every other alcoholic beverage in the state; the same rights that the wine makers, micro-brewers, and brandy producers hold including the ability to produce and sell at retail on the production premises.

He shared information about an economic impact statement prepared by MEDC. He discussed national industry statistics, first steps needed in Michigan and impact on jobs and sales in Michigan.

The objective of proposed legislation is to lower business entry barriers into the distilled alcohol industry.

Michigan's current non-competitive statue means long-term projections need to be based on realistic assumptions.

He noted that other states are copying Michigan's brandy laws.

Commissioner Coe noted that the opportunity to create the Michigan fruit brandy industry was created by the unique partnership between MSU, the legislature and the private sector. It was unique in that business interests, such as the distributor community, were not allowed to come to the table and oppose because the state was the distributor. The legislature created an industry which has had some success. Michigan can be proud that the private sector stepped forward, saw the opportunity created by the legislature and established an industry. That has now been done for beer and wine. There is no reason to not extend the same opportunity for people to go into the grain industry and produce products that would have the same access to the marketplace. It is a simple change to add "grain based" to "fruit based".

Dr. Berglund noted that the commodity groups have also been involved and legislative workgroups are in place.

PUBLIC COMMENT

Richard Koziski, Michigan Cider Makers Guild, submitted written comments (Attachment F), and discussed House Bill 4704 that has been introduced by Representative Pam Byrnes, to make apple cider the official beverage of Michigan. He shared information regarding the background of apples in Michigan and about his family run farm the Dexter Cider Mill. He discussed the

history of apple cider. He stated that today the cider maker has become an ambassador, representing to the public the vast varieties of apples produced in the State which in turn helps the economy; an economy faced by many challenges such as imported apple concentrate.

Mr. Koziski requested that Director Irwin and the members of the Commission of Agriculture support HB 4704.

Commissioner Byrum stated that the issue would be put on the September 11, 2007 Commission of Agriculture meeting agenda for consideration.

Steve May, Michigan Association of County Drain Commissioners (MACDC), submitted written comments (Attachment F) regarding the Inter-Country Drain Program. He noted that the Inter-County Drain Program is essential to the establishment, maintenance and improvement of storm water drains through the State of Michigan.

After the funding for the program was eliminated, MACDC has worked to put together a workable game plan for the MACDC and MDA. MACDC has relied on the partnership with MDA through the Drain Code to chair inter-country hearings. MACDC believes that process has been very efficient and something that cannot afford to be lost.

He stated that his county has 50 inter-county drains over five counties. There is maintenance and petition work needed on those drains. Much time and due diligence is needed to make sure water is quality as it passes from one county to another. The partnership with MDA has been great and he was unaware of any complaints with the relationship.

A \$100 place holder was put into the budget. They would like to see the line item fully funded as it is a vital program that MACDC will advocate for. They would like to see an alternative funding source, other than the General Fund, so that they are not fighting every year for a \$400,000 line item.

Geoffrey Seidlein, General Counsel, Michigan Association of County Drain Commissioners. He stated that they have been very involved in the activities relative to the defunding of the Inter-County Drain Program. He appeared before the Commission to seek the support of the Commission of Agriculture in the continuation of the Inter-County Drain Program.

It costs approximately \$400-\$500,000 to fund 4.6 full time positions, and in the memo provided, gave an idea of the economic impact of the Inter-County Drain Program in the last couple of years. The funding at that level has a return in the millions as it relates to the infrastructure, key to Michigan. The history of

Michigan is founded upon the need for adequate drainage. It has been argued in the courts that well-drained agricultural soil is, in fact, a natural resource of the state.

Inter-county drains are the main trunk lines of drainage in the state. They serve not only the thousands of acres in those districts, but a number of the county drain systems, operated by the drain commissioners without benefit of a drainage board, utilizing MDA to provide that drainage throughout the state. This is key not only to agriculture, but also to public health. The Michigan Drain Code is a public health statute.

From a legal standpoint, the involvement of the director of the department is statutorily mandated. When they are asked to opinion the legality of proceedings for inter-county drains as it relates to the millions of dollars of public financing that are undertaken, as to whether without the presence of the department, whether they have legal proceedings in order to be able to borrow money to do the infrastructure projects that are key to the state as they believe not only for commerce, agriculture and development, but public health.

Their position has been that because of the statutory mandate, which has been in place since 1923, the concern about eliminating or not funding so there is no longer participation from the department raises the question of legality of proceedings from their standpoint. Legislation or attempts to legislate the department out would be significant, if not impossible to accomplish. The important part about MDA's involvement is that you get a cohesive approach, statewide, by disinterested entity when you have more than one county involved. They mediate between the counties and the Michigan Department of Transportation (MDOT). The Drain Code provides that any improvements or work done is specially assessed. There is no separate funding other than MDOT being assessed for benefit for its drainage. The law is comprehensive, MDA has been critical to the involvement. They have growing concerns about losing the program that there will be a significant impact on the ability to maintain the surface water drainage in the State of Michigan.

He stated they are looking for the Commission's support and if there are additional information or workgroups, they would welcome the opportunity to participate.

William Byl, Michigan Association of County Drain Commissioners and Kent County Drain Commissioner, stated that in the last six months they have had a least six inter-county drain projects that have been undertaken. These projects have needed to be constituted and chaired by a representative of MDA.

Mr. Byl is an ex- legislature and former commissioner on the Kent County Board of Commissioners. He stated that in the last six months they have been involved with both the House and Senate Appropriations Committees in advocating for restoration of the funds. The following points were made by a representative of MDA during a committee meeting: that this is a statutorily mandated program; the defunding of the line item for Environmental Stewardship will make it impossible for the state to fulfill its function; the source of revenue that they were hoping to replace the general fund funding, will probably not survive a Headlee challenge; there was not a replacement plan for the revenue to carry on this important activity; and an admission that there would probably be legal action that would taken toward the department to compel it to fulfill its obligations.

There are 1,100 plus legally constituted organizations that have in good faith organized themselves, assessed themselves to carry out an important function. This is not state money being expended, with the exception of the money for the MDA positions. It is funds that citizens and agriculture producers have assessed themselves to carry out this function. They cannot fulfill those obligations without the participation of MDA. Currently in Kent County, there are at least two projects that are inter-county drains that exceed \$100,000 and a couple well in excess of that. Right now Kent County's revolving fund has been "front-ending" the cost for those projects because they have not been able to constitute the hearings to do the assessments. It is not just the future of an important part of agriculture that is at risk, but there are financial obligations incurred right now that are at risk.

This is a function that is obligated by the state and has been for the last 80 years. They would very much appreciate the Commission of Agriculture's support in keeping the program intact under MDA.

Chairman Byrum noted that consideration of this issue would be added the September 11, 2007 Commission of Agriculture meeting agenda.

COMMISSIONERS' ISSUES

Commissioner Coe addressed the work that has been done by the Agricultural Tourism Commission. As part of that process, a suggested Agricultural Tourism Zoning Ordinance was drafted. The drafted ordinance was endorsed by the Michigan Townships Association. In June, Commissioner Coe attended the first tour across Michigan of the Great Lakes Agricultural Experience. This was attended by 100 operators in the agriculture tourism arena, touring a number of farms. Throughout the two days, anecdotes were shared by those who had established businesses or were attempting to establish businesses. One common comment that was shared was the difficulty in establishing their businesses, investing in the businesses and realizing some return on their investment because of zoning restrictions.

As there has already been a fair amount of work done by the Agricultural Tourism Commission with proposals relating to zoning that have been endorsed by the Michigan Township Association, he suggested looking at the GAAMPs procedure to help give guidance to the townships that either do not have zoning in place, or might have some need for guidance in changing their zoning, if zoning will be the prevailing rules. He asked if a GAAMPs could be considered to help give guidance to townships for this growing segment of business in the State of Michigan.

Chairman Byrum asked Gordon Wenk, Environmental Stewardship Division, and Jeanne Lipe, Agriculture Development Division, to consider the issue and come back to the next meeting with recommendations of how best to proceed.

Commissioner Regis asked that an update be given on the Food Law as soon as it is completed.

He also asked that a letter from the Chairman and Commission be sent to the Division Directors expressing support of the appointment on an interim basis of Dr. Phyllis Mellon as Acting Director, and the importance of their assistance during the search for the new director.

Chairman Byrum noted that he would pull together process considerations as soon as possible for the selection of a new department director. Any Commissioner should let him know as soon as possible if they have any thoughts or ideas.

MOTION: COMMISSIONER REGIS MOVED TO GO INTO CLOSED SESSION UNDER SECTION 8(h) OF THE OPEN MEETINGS ACT TO CONSIDER A MEMORANDUM OF LEGAL ADVICE FROM THE ATTORNEY GENERAL'S OFFICE TO THE COMMISSION RELATED TO A MATTER THAT IS EXEMPT FROM DISCLOSURE UNDER SECTION 13(1)(g) OF THE FREEDOM OF INFORMATION ACT. COMMISSIONER COE SECONDED. ROLE CALL VOTE: COMMISSIONER NORTON VOTED YES; COMMISSIONER REGIS VOTED YES; COMMISSIONER SECONDER COE VOTED YES; AND COMMISSIONER JOUSMA-MILLER VOTED YES. MOTION CARRIED UNANIMOUSLY.

Commission adjourned to closed session at 12:23 p.m.

RE-CALL TO ORDER AND ROLL CALL

Chairperson Byrum re-called the meeting of the Commission of Agriculture to order at 1:00 p.m. on Tuesday, July 17, 2007. Commissioner Jousma-Miller

called the roll with Commissioners Byrum, Norton, Coe, Regis, Jousma-Miller and Director Irwin present.

MOTION: COMMISSIONER REGIS MOVED TO IMPLEMENT THE RECOMMENDATION OF THE ATTORNEY GENERAL RELATIVE TO MATTERS RAISED IN THE ATTORNEY GENERAL'S MEMORANDUM OF ADVICE. COMMISSIONER COE SECONDED. MOTION CARRIED UNANIMOUSLY.

ADJOURN

MOTION: COMMISSIONER COE MOVED TO ADJOURN THE MEETING. COMMISSIONER NORTON SECONDED. MOTION CARRIED UNANIMOUSLY.

The meeting was adjourned at 1:05 p.m.

Attachments:

- A Agenda
- B Agriculture Commission Meeting Minutes June 12, 2007
- C July Director's Report; Court Summary on Papadelis v City of Troy; Letter of Retirement from Director Mitch Irwin
- D PowerPoint Emerald Ash Borer; Pest Alert Sirex woodwasp
- E PowerPoint Projected Impact of Distilled Spirits Industry in Michigan
- F Public Comment written comments from Richard Koziski, Michigan Apple Cider Guild and a memo from the Michigan Association of County Drain Commissioner
- G Gene Thompson Scholarship 2007 Certificate to Gresham Halstead